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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

Michael Cruz -----X

DECLARATION OF MICHAEL CRUZ

I, Michael Cruz, depose and state as follows:

DETROIT 2619968.6

1. I am a resident of Staten Island, New York and the father of Nicholas Cruz, a freshman shortstop and centerfielder at Xaverian High School in Brooklyn. If sworn as a witness, I could testify competently to the facts contained herein.

2. I am also a baseball coach for a team in the Youth Service League, an all-volunteer program set up to provide positive experiences for New York City high school aged men. I have coached at various levels for 21 years.

3. I do not believe that metal and nonwood composite bats are less safe than wood bats. I believe that the biggest difference between metal bats and wood bats is the size of the sweet spot. The larger sweet spot of metal bats enables players, including my son, to experience success at hitters without perfectly centering the ball on the bat. These larger sweet spots result in more frequent successful hits, but do not result in higher exit speeds off the bat. I do not believe there is any difference in speed between the best hits off wood bats and metal or nonwood composite bats.

4. In fact, wood bats present their own safety risks. Last summer, my son competed in a wood bat game. When swinging at an inside pitch, Nicholas broke the wood bat at the handle. The jagged edge from the break split his hand open. Nicholas had a two-inch gash on his hand that required him to miss two weeks of play. This injury would not have happened with a metal bat.

5. Nicholas greatly prefers to use metal bats, because he also believes the wider sweet spot of these bats enable him to have more success as a hitter. Obviously, this adds to his enjoyment of the game, which has been a very positive outlet for him.

6. Because of the new Bat Ordinance, I will have to purchase many wood bats for my son to use in New York City high school play. This will be expensive because of the frequency with which these bats break. A typical team will break five wood bats in games alone. This is a significant expense, as the cheapest bats cost between \$55 and \$60 a piece. In contrast, a single metal bat will last an entire season.

7. For all these reasons, I strongly oppose the New York City Bat Ordinance.

I declare under penalty of perjury that the foregoing is true and correct.

This 5 day of 29, 2007.

Michael Cruz
Michael Cruz